

10/24/01  
U.S. PATENT & TRADEMARK OFFICE  
CITY OF WASHINGTON, D.C.  
09/09/01

JC978 U.S.P.T.O.  
09/09/01  
04/24/01

# UNITED STATES CONTINUING UTILITY PATENT APPLICATION

under 37 C.F.R. § 1.53(b)

Page 1

EL 728371867 US

Atty. Docket No. 04163-00124

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10: The undersigned hereby certifies that this United States Patent Application and all papers noted herein as being attached, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 today, April 24, 2001, and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

By

*Dane Cuthbert*  
Express Mail Label No.: EL 728371867 US

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Enclosed herewith is a continuing patent application and the following papers:

Inventors (or application identifier): **R. Eric Montgomery**

Title of Invention: **TOOTH WHITENING COMPOSITION**

- Continuation
- Divisional
- Continuation-in-Part

of prior application No. 09/196,403, filed November 19, 1998; which claims priority from U.S. Provisional Patent Application No. 60/066,187, filed November 19, 1997.

1.  Specification 40 pages (including specification, claims, abstract) / 26 claims (6 independent), after entry of the Preliminary Amendment.
2.  Declaration/Power of Attorney:
  - Copy from Prior Application (for continuation or divisional application)
  - Newly Executed Declaration (for CIP application)
  - Deferred under 37 C.F.R. § 1.53(f)
  - Deletion of Inventor(s) - Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b)
  - Incorporation by Reference - The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein
3.         Distinct sheets of  Formal and  Informal Drawings

BEST AVAILABLE

**UNITED STATES CONTINUING UTILITY PATENT APPLICATION**  
under 37 C.F.R. § 1.53(b)

Page 3

Atty. Docket No. 04163-00124

13. Calculation of Fees:

FEES FOR	EXCESS CLAIMS	FEE	AMOUNT DUE
Basic Filing Fee (37 C.F.R. § 1.16(a))			\$710.00
Total Claims in Excess of 20 (37 C.F.R. § 1.16(c))	6	18.00	\$108.00
Independent Claims in Excess of 3 (37 C.F.R. § 1.16(b))	3	80.00	\$240.00
Multiple Dependent Claims (37 C.F.R. § 1.16(d))	0	270.00	\$0.00
Subtotal - Filing Fee Due			\$1,058.00
	MULTIPLY BY		
Reduction by 50%, if Small Entity (37 C.F.R. §§ 1.9, 1.27, 1.28)	0.50		\$529.00
<b>TOTAL FILING FEE DUE</b>			<b>\$529.00</b>
Assignment Recordation Fee (if applicable) (37 C.F.R. § 1.21(h))	0	40.00	\$0.00
<b>GRAND TOTAL DUE</b>			<b>\$529.00</b>

14. PAYMENT is:

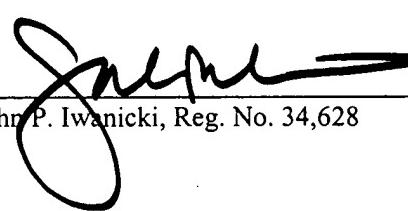
- The Commissioner is authorized to debit the instant filing fee, in the amount of \$529.00, and any other fees during the pendency of this application under 37 C.F.R. §§ 1.16, 1.17 and 1.18, to Deposit Account No. 19-0733. A duplicate copy of this letter is enclosed.
- not included, but deferred under 37 C.F.R. § 1.53(f)

15. All correspondence for the attached application should be directed to:

John P. Iwanicki  
BANNER & WITCOFF, LTD. Customer No. 22910  
28 State Street, 28th Floor  
Boston, MA 02109  
Telephone: (617) 227-7111  
Facsimile: (617) 227-4399

16. Other: \_\_\_\_\_

Date: April 24, 2001

By:   
John P. Iwanicki, Reg. No. 34,628

JPI/lh  
Enclosures

**UNITED STATES CONTINUING UTILITY PATENT APPLICATION**  
under 37 C.F.R. § 1.53(b)

Page 2

Atty. Docket No. 04163-00124

4.  Preliminary Amendment is enclosed.  
 Amend the specification by inserting before the first line of the first paragraph the following sentence:  
-- This application is a continuation of U.S. Patent No. Application Serial No. 09/196,403, filed November 19, 1998; which claims priority from U.S. Provisional Patent Application No. 60/066,187, filed November 19, 1997. --
5.  Information Disclosure Statement  
 Form 1449  
 A copy of each cited prior art reference
6.  Assignment  
 Assignment with Cover Sheet attached  
 Assignment filed in prior application. Application assigned to: OraCeutical LLC, of Monterey, Massachusetts.
7.  Priority is hereby claimed under 35 U.S.C. § 119 based upon the following application(s) (provisional and foreign applications):

Country	Application Number	Date of Filing (day, month, year)
US	60/066,187	19 NOV 1997

8.  Priority is hereby claimed under 35 U.S.C. § 120 based upon the following applications:

Country	Application Number	Date of Filing (day, month, year)
US	09/196,403	19 NOV 1998

9.  Priority document(s)
10.  Small Entity Statement  
 Small Entity Statement was filed in prior application, Small Entity Status is still proper and desired.  
 Small Entity status is being claimed hereby.  
 is no longer claimed.
11.  Microfiche Computer Program (Appendix)
12.  Nucleotide and/or Amino Acid Sequence Submission  
 Computer Readable Copy  
 Paper Copy (identical to computer copy)  
 Statement verifying identity of above copies